

IN THE CIRCUIT COURT OF SUNFLOWER COUNTY, MISSISSIPPI

FILED

KENNITH JOHNSON

PLAINTIFFS

JUN 01 2018

VS.

CAROLYN P. HAMILTON
BY *DR* CIVIL ACTION NO. 2018-0111
D.C.

INDIANOLA, MISSISSIPPI POLICE DEPARTMENT,
INDIANOLA, MISSISSIPPI POLICE OFFICER
DARNELL FISHER IN HIS OFFICIAL CAPACITY, and
INDIANOLA BOARD OF ALDERMEN

DEFENDANTS

**COMPLAINT
JURY TRIAL REQUESTED**

COME NOWS, Plaintiffs, KENNITH JOHNSON, by and through his undersigned attorney, and bring this his civil action to recover damages from the Defendants, INDIANOLA, MISSISSIPPI POLICE DEPARTMENT, INDIANOLA, MISSISSIPPI POLICE OFFICER DARNELL FISHER IN HIS OFFICIAL CAPACITY, and INDIANOLA BOARD OF ALDERMEN, and for their cause of action would show unto the court the following, to-wit:

I. JURISDICTION AND VENUE

1. That this is a civil action to recover monetary damages for personal injuries of Plaintiff, KENNITH JOHNSON, pursuant to Mississippi Code Annotated 1972 Section 9-7-81, the Circuit Court of Tunica County, Mississippi has jurisdiction over the subject matter of this cause of action.

2. That pursuant to Mississippi Code Annotated 1972 Section 11-11-3, venue is proper in Sunflower County, Mississippi as the events giving rise to this cause of action occurred in whole or in part in Sunflower County, Mississippi and the Plaintiffs reside therein.

II. PARTIES

3. That Plaintiff, KENNITH JOHNSON, (hereinafter referred to as "Plaintiff"), is an adult resident citizen of Indianola, Mississippi.

4. That Defendant, INDIANOLA, MISSISSIPPI POLICE DEPARTMENT, (hereinafter referred to as "Defendant "), is a state entity with a fixed address 300 2ND St., Indianola, Mississippi 38751.

5. That Defendant, INDIANOLA, MISSISSIPPI POLICE OFFICER, DARNELL FISHER In his official capacity, (hereinafter referred to as "Defendant "), is an adult resident citizen of Indianola, Mississippi, in Sunflower County Mississippi.

6. That Defendant, INDIANOLA BOARD OF ALDERMEN, is a public political subdivision, organized and existing under the laws of the State of Mississippi, with its principal office in Tunica, Mississippi. The County holds enforcement and policymaking authority for the employees of the County, including the Sheriff Department and Sheriff.

7. That Defendants, XYZ 1-100, have not yet been identified by Plaintiffs. If and when such information should become available, Plaintiffs will amend their petition to include said information.

III. BACKGROUND FACTS

8. Plaintiff was assaulted by Indianola, Mississippi Police Officer Darnell Fisher.

9. Officer Fisher pulled his official firearm and threatened to kill Plaintiff, Kenneth Johnson. He was fired for the offense and found guilty of threatening the life of the Plaintiff.

10. Officer Fisher waited until he was on duty to go to threaten the life and put Mr. Kenneth Johnson in fear of immediate bodily injury.

11. That as a result of Defendants' actions and negligence, Plaintiff, KENNITH JOHNSON, suffered serious mental injury resulting in pain and suffering, mental anguish, and loss of enjoyment of their husband, father and provider. Plaintiff is currently being treated for mental issues and the resulting physical issues.

IV. CLAIMS

A. BREACH OF DUTY

12. That Plaintiffs reallege paragraphs one (1) through fourteen (14) as if fully set forth herein.

13. Defendants, have a duty to keep Plaintiff Kenneth Johnson safe from harassment, the fear of immediate bodily harm, and the immediate and real threat of death.

14. Defendants, breached their duties delineated hereinabove proximately causing Plaintiff, **KENNITH JOHNSON**, to suffer the following damages: past, present and future mental anguish; temporary and/or permanent disability; disfigurement; past, present and future medical expenses and costs; past, present and future loss of earning capacity of spouse and father; and loss of the enjoyment of life.

B. NEGLIGENCE

15. That Plaintiff reallege paragraphs one (1) through seventeen (17) as if fully set forth herein.

16. That at the time and occasion in question, Defendants, owed a duty of care to Kenneth Johnson, Plaintiff. Defendants, breached the duty of care when they failed to properly supervise, and improperly and negligently hired Defendant, Darnell Fisher.

17. That Plaintiffs charge and allege that Defendants, were negligent on the occasion in question in one or more of the following respects:

- a. failing to obey laws;
- b. failing to keep the Defendant, Darnell Fisher, from breaking the law;
- c. all other acts of negligence that may be revealed and/or discovered at the trial of this matter.

18. As a direct and proximate result of the negligence of DEFENDANTS, Plaintiff, KENNITH JOHNSON, suffered severe and permanent injuries.

V. DEMAND FOR RELIEF

19. The Plaintiff prays for the following relief:

- a. Trial by Jury;
- b. Judgment for Plaintiffs and against Defendants;
- c. An award of damages which will fully and fairly compensate Plaintiffs for severe and permanent personal injuries; past, present and future pain and suffering; past, present and future mental anguish; temporary and permanent disability; disfigurement; past, present and future medical expenses and costs; lost earning capacity; loss of the enjoyment of life; and loss of consortium.

WHEREFORE, PREMISES CONSIDERED, Plaintiffs sue and demand judgment in the amount of ten million \$10,000,000.00 dollars.

RESPECTFULLY SUBMITTED, this the 1st day of June, 2018.

BY:


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